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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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22831	7590	02/07/2006	EXAMINER	
SCHWEITZER CORNMAN GROSS & BONDELL LLP			PICO, ERIC E	
292 MADISON AVENUE - 19th FLOOR			ART UNIT	
NEW YORK, NY 10017			PAPER NUMBER	

3654

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/644,188	Applicant(s) ROTBOLL ET AL.	
	Examiner Eric Pico	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/16/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 14 is/are pending in the application.
- 4a) Of the above claim(s) 11-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. **Regarding claim 1**, the statement "the lift cage having a floor depth corresponding to a thickness of the floor member" is indefinite. It is not understood how the lift cage floor depth differs from the thickness of the floor member when the floor member is apart of the lift cage floor. The office will interpret the claim meaning a lowermost story having a floor depth corresponding to a thickness of the floor member.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim(s) 1, 2, 3, and 10 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Rivera et al. U.S. Patent No. 6095288.

Art Unit: 3654

6. **Regarding claim 1**, Rivera et al. discloses a lift cage comprising a three-dimensional body, referred to as elevator car 12, for receiving persons or articles to be conveyed and suspended in a support body, referred to as intermediary frame 16, for accepting all forces arising during conveying of the persons or articles, the three-dimensional body 12 comprising at least one floor member.

7. Rivera et al. further discloses pit-less elevator with a lowermost story having a floor depth corresponding to a thickness of the floor member.

8. **Regarding claim 2**, Rivera et al. further discloses the support body 16 comprises two side frames, shown in Figures 1 and 2 attached to guide rails 14, which are connected together by way of at least one top frame, shown in Figures 1 and 2 attached to elevator rope 32, in moment-stiff manner.

9. **Regarding claim 3**, Rivera et al. further discloses the three-dimensional body comprises at least one floor member, at least one wall member and at least one roof member, not numbered but shown in Figures 1 and 2

10. **Regarding claim 10**, Rivera et al. further discloses a lift for installation in a building having a floor plate, the lift comprising at least one lift cage comprising a three-dimensional body for receiving persons or articles to be conveyed and a support body for accepting all forces arising during conveying of the persons or articles;

11. Rivera et al. further discloses a lift shaft, referred to as hoistway 26, extending above the floor plate, the lift shaft 26 having a life shaft base the lift shaft base, referred to as floor 24, having an underside lying at the same level as an underside of the floor

Art Unit: 3654

plate and an upper surface lying above the underside and below an upper side of the floor plate, shown in Figures 1 and 2.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim(s) 4-6 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Rivera et al. U.S. Patent No. 6095288 in view of Halpern GB Publication No. 2139183.

14. **Regarding claim 4**, Rivera et al. is silent concerning the three-dimensional body comprises at least one structural member.

15. Halpern teaches a three-dimensional body, referred to as framework 10, comprised of structural members, referred to as corner posts 32, 42.

16. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the three-dimensional body disclosed by Rivera et al. with structural members as taught by Halpern to maintain a rigid three-dimensional body.

17. **Regarding claim 5**, Rivera et al. is silent concerning the three-dimensional body comprises at least one structural member being a flat profile element.

18. Halpern teaches structural members 32, 42 being a flat profile element.

19. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the three-dimensional body disclosed by Rivera et al. with structural

Art Unit: 3654

members of a flat profile element as taught by Halpern to maintain a rigid three-dimensional body.

20. **Regarding claim 6**, Rivera et al. is silent concerning the three-dimensional body comprises at least one structural member mounted outside the three-dimensional body.

21. Halpern teaches structural members 32, 42 mounted outside the three-dimensional body.

22. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the three-dimensional body disclosed by Rivera et al. with structural members mounted outside a three-dimensional body as taught by Halpern to maintain a rigid three-dimensional body.

23. Claim(s) 4, 6-9 and 14 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Rivera et al. U.S. Patent No. 6095288 in view of Ericson et al. U.S. Patent No. 5564529.

24. **Regarding claim 4**, Rivera et al. is silent concerning the three-dimensional body comprises at least one structural member.

25. Ericson et al. teaches a three-dimensional body, referred to as cab 32, comprises structural members, referred to as vertical support 86.

26. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the three-dimensional body disclosed by Rivera et al. with structural members as taught by Ericson et al. to maintain a rigid three-dimensional body.

27. **Regarding claim 6**, Rivera et al. is silent concerning the three-dimensional body comprises a structural member mounted outside the three-dimensional body.

Art Unit: 3654

28. Ericson et al. teaches the structural member 86 is mounted outside the three-dimensional body 32.

29. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the three-dimensional body disclosed by Rivera et al. with structural members mounted outside a three-dimensional body as taught by Ericson et al. to maintain a rigid three-dimensional body.

30. **Regarding claim 7**, Rivera et al. is silent concerning the three-dimensional body comprises a structural member mechanically connecting the floor member and the roof member together.

31. Ericson et al. teaches the structural member 86 mechanically connects a floor member, referred to as platform 46, and a roof member, referred to as horizontal supports 82, together.

32. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the three-dimensional body disclosed by Rivera et al. with structural members that mechanically connects the floor member and the roof member together as taught by Ericson et al. to maintain a rigid three-dimensional body.

33. **Regarding claim 8**, Rivera et al. is silent concerning the three-dimensional body is suspended in the support body by way of the structural member.

34. Ericson et al. teaches the three-dimensional body 32 is suspended in a support body, referred to as car frame 28, by way of the structural member 86.

35. It would have been obvious to one of ordinary skill in the art at the time of the invention to suspend the three-dimensional body disclosed by Rivera et al. in a support

Art Unit: 3654

body by way of structural members as taught by Ericson et al. to securely connect the three-dimensional body into the support body.

36. **Regarding claim 9**, Rivera et al. is silent concerning the three-dimensional body is suspended in the support body by way of the roof member.

37. Ericson et al. teaches the three-dimensional body 32 is suspended in a support body 28 by way of the roof member 82.

38. It would have been obvious to one of ordinary skill in the art at the time of the invention to suspend the three-dimensional body disclosed by Rivera et al. in a support body by way of a roof member as taught by Ericson et al. to securely connect the three-dimensional body into the support body.

39. **Regarding claim 14**, Rivera et al. discloses a lift cage mounted in a lift shaft, which lift cage comprises a three-dimensional cage, referred to as elevator car 12, for receiving persons or articles to be conveyed and a support body, referred to intermediary frame 16, for accepting all forces arising during conveying of the persons or articles, the three-dimensional body comprising a floor member, shown in Figures 1 and 2.

40. Rivera et al. further discloses two side frames, shown in Figures 1 and 2 attached to guide rails 14, of the support body 16 positioned on a lift shaft base referred to as floor 24, the side frames being disposed parallel to one another at a spacing of a width of a top frame, shown in Figures 1 and 2 attached to elevator rope 32, of the support body 16, each side frame bearing against a guide rail 14 by way of a guide shoe, shown in Figure 1 and 2.

Art Unit: 3654

41. Rivera et al. further discloses the top frame fastened to a conveying cable, referred to as elevator rope 32, of a lift drive.

42. Rivera et al. further discloses the top frame connected to both side frames

43. Rivera et al. is silent concerning structural members.

44. Ericson et al. teaches a roof member, referred to as horizontal supports 82, and structural members, referred to as vertical support 86, of the three-dimensional cage, referred to as cab 32, attached to a top frame, referred to as cross head 42, via posts 38.

45. Ericson et al. teaches further the roof member 82, the structural members 86, wall members and a floor member connected together in order to form the three-dimensional cage 32, shown in Figure 1.

46. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the steps of positioning two side frames of the support body on a lift shaft base; fastening the top frame to a conveying cable of a lift drive; raising the top frame by means of the lift drive to a fastening level between the side frames; connecting the top frame to both side frames; attaching a roof member and structural members of the three-dimensional cage to either the top frame or the side frames; and connecting together the roof member, the structural members, wall members and a floor member in order to form the three-dimensional cage because these steps would result from the mounting of the device disclosed by Rivera et al. in view of Ericson et al. in its normal and expected fashion.

Response to Arguments

47. Applicant's arguments, see Pages 7-10, filed 11/16/2005, with respect to the rejection(s) of claim(s) 1-13 under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of 35 U.S.C. 102(b) as being anticipated by Rivera et al. U.S. Patent No. 6095288, 35 U.S.C. 103(a) as being unpatentable over Rivera et al. U.S. Patent No. 6095288 in view of Halpern GB Publication No. 2139183, and 35 U.S.C. 103(a) as being unpatentable over Rivera et al. U.S. Patent No. 6095288 in view of Ericson et al. U.S. Patent No. 5564529.

Conclusion

48. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hymans U.S. Patent No. 2246732, Quatkemeyer U.S. Patent No. 3363724, Ericson U.S. Patent No. 4430835, Tomasetti U.S. Patent No. 5975249, Tomasetti et al. U.S. Patent No. 6209686.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

Kathy Matecki
KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600